



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2013

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Michael Rhoades
Manager, Quality Systems and Training
Calumet Lubricants & Waxes, LLC
3333 Midway Avenue
P.O. Box 3099
Shreveport, LA 71109

Re: Information Request Pursuant to Section 11 of the Toxic Substances Control Act

Dear Mr. Rhoades:

Pursuant to the Agency's subpoena authority under TSCA Section 11(c), 15 U.S.C. § 2610(c), EPA has the authority to require the production of reports, papers, documents, answers to questions, and other information deemed necessary by the Administrator in carrying out the provisions of TSCA. Pursuant to this statutory authority, EPA hereby requires Calumet Lubricants & Waxes LLC to provide the information and documents set forth in the enclosed Information Request on the basis of all information and documents in your possession, your custody or control, or the possession, custody or control of your employees, agents, representatives or servants.

Please send your response to this Information Request in portable document format (pdf) on a USB flash drive or other suitable electronic storage device. Please note that, where possible, your response in pdf format should be provided in searchable format (i.e., optical character recognition (OCR)) to allow EPA to search for particular words or characters. If you are unable to submit a portion or all of your response in a searchable pdf format, you may submit pdf scans or paper copies of these records.

Response to this Information Request is mandatory. Your response must be submitted within thirty (30) days of your receipt of this Information Request. If you require additional time to respond, you must contact Tony Ellis by e-mail at ellis.tony@epa.gov or by phone at 202-564-4167 within five (5) calendar days of receipt of this letter and indicate the reason you require additional time to respond. Failure to respond to this Information Request could result in a court action against you.

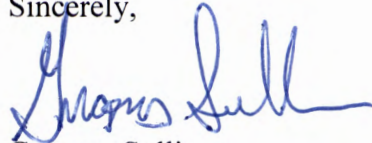
All responses must be mailed (via overnight or express delivery) to:

Tony Ellis
Case Development Officer
U.S. Environmental Protection Agency
Office of Civil Enforcement (Room 5041A)
Waste and Chemical Enforcement Division
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Responses claimed as Confidential Business Information (CBI) should be mailed in strict accordance with the instructions established in Section III of this Information Request.

If you have any questions concerning this Information Request, please contact Tony Ellis. Thank you for your attention to this matter.

Sincerely,



Gregory Sullivan,
Chief, Chemical Risk and Reporting Enforcement Branch

Enclosures

1. Information Request
2. Certification

cc: Tony Ellis

SPECIFICATIONS

I. DEFINITIONS

As used in this Information Request:

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in TSCA, 15 U.S.C. §§ 2601 *et seq.*, or 40 C.F.R. Part 720 in which case such statutory or regulatory definitions shall apply.

1. The term “you” or “your” refers to Calumet Lubricants & Waxes LLC, unless otherwise specified.
2. The term “Calumet” shall mean Calumet Lubricants & Waxes LLC, its officers, managers, employees, contractors, trustees, successors, assigns, and agents, consolidated subsidiaries and any predecessor or successor corporations or companies as the context indicates.
3. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.
4. The term “describe” means to detail, depict, or give an account of the requested information, or to report the content of any oral and/or written correspondence, communication, or conversation, or to report the contents of any document, including the title, the author, the position or title of the author(s), addressee(s), the position or title of the addressee(s), indicated or blind copies, date, subject matter, number of pages, attachment or appendices, and all persons to whom the document was distributed, shown, or explained.
5. The term “document” or “documents” includes but is not limited to all written, typewritten, handwritten or printed matters, including drafts, originals, and nonconforming copies that contain deletions, insertions, handwritten notes or comments, or graphic matter of any kind or nature, however produced or reproduced, any form of collected data for use with electronic, visual or sound recordings including without limitation all tapes and discs, any electronically recorded data including without limitation all discs or other memory storage devices, now or formerly in your possession, custody or control, or now or formerly in the possession, custody or control of any agent acting on your behalf. The terms include, without limitation, all writings, letters, reports, correspondence, memoranda, notes of meetings or of conversations either in writing or upon any mechanical or electronic recording device, stenographic or handwritten notes, electronic communications including but not limited to e-mails and other correspondence using computers or other electronic recording devices, records, pictures, canceled checks, books, work papers, telegrams, telexes, diaries, calendars, studies, surveys, manuals, contracts, agreements, publications, minutes, press releases, computer printouts, punch cards, electronic or magnetic recordings, pamphlets, statistical compilations, microfilm

and microfiche records, financial and accounting records or statements, telephone bills, travel vouchers, and expense account records.

II. INSTRUCTIONS

1. Please answer each question posed. If the appropriate response is "none" or "not applicable" that information should be so stated.
2. Please answer every question completely. Provide a separate answer to each and every question and subpart of a question set forth in this Information Request.
3. Provide responses to the best of your ability, even if the information sought was never reduced to writing or if the written documents are no longer available. You should seek responsive information from current and former employees and/or agents. If you cannot provide a precise answer to any questions, please approximate and state the reason for your inability to be specific.
4. Response Format:
 - a. All documents you submit should be labeled and keyed to the specific question the document is in response to. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the applicable number of the question to which the document responds.
 - b. Your response should be submitted in the portable document format (pdf) on a USB flash drive or other suitable electronic storage device. Please note that, where possible, your response in pdf format should be provided in searchable format (i.e., optical character recognition (OCR)) to allow EPA to search for particular words or characters. If you are unable to submit a portion or all of your response in a searchable pdf format, you may submit pdf scans or paper copies of these records.
5. If anything is deleted from a document produced in response to this Information Request, state the reason for and the subject matter of the deletion.
6. If you claim that an entire document responsive to this Information Request is a communication for which you assert that a privilege exists, identify the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege; identify the portion of the document for which you are asserting the privilege; and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to this Information Request should be disclosed in your response.
7. Please complete the enclosed certification to certify that the information you are providing in response to this Information Request is true, accurate, and complete.

8. If additional information or documents responsive to this Information Request become known or available to you after you respond to this Information Request, EPA requests, pursuant to the Agency's subpoena authority under TSCA Section 11(c), 15 U.S.C. Section 2610 (c), that you supplement your response. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to civil or criminal prosecution or both.

III. CLAIMS OF CONFIDENTIAL BUSINESS INFORMATION

Pursuant to the regulations set forth at 40 C.F.R. Part 2, Subpart B, you may choose to assert that part or all of the submitted information is confidential business information (CBI). Unless such confidentiality claims are asserted at the time the information is submitted, EPA may make this information available to the public upon request without further notice to you. Conversely, information that is CBI may be made available to the public only to the extent set forth in 40 C.F.R. Part 2, Subpart B.

Please note that CBI claims are unlikely to be upheld unless the information meets all of the criteria set forth in 40 C.F.R. § 2.208. Specifically, you must show that:

1. Your business has taken reasonable measures to protect the confidentiality of the information and intends to continue to take such measures,
2. The information is not, and has not been, reasonably obtainable without your business's consent by other persons (other than government bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding),
3. No statute specifically requires disclosure of the information, and the information is not available elsewhere, and
4. Disclosure of the information is likely to cause substantial harm to your business's competitive position.

The burden of proof is on you to demonstrate that the information you claim as CBI satisfies all four criteria. You should not claim as CBI information that you consider *private* but that does not qualify as *confidential* business information under the substantive criteria set forth in 40 C.F.R. § 2.208 (such as medical information and social security numbers).

If you wish for EPA to treat any information or response as CBI, you must, pursuant to 40 C.F.R. § 2.203(b), so advise EPA and attach to the information, at the time it is submitted to EPA, a

cover sheet, stamped or typed legend, or other suitable form or notice employing language such as *trade secret*, *proprietary*, or *company confidential*. In addition, you must clearly identify allegedly confidential portions of otherwise non-confidential documents. You must make a separate assertion of confidentiality for each response and each document considered confidential. An explanation of your CBI claim must be included and must refer to the applicable substantive criteria in 40 C.F.R. § 2.208. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality.

A written index identifying the following for each response or document for which you assert a claim of confidentiality must be provided:

- a. Describe the response or document and nature of the information. For a document, include the name of the author(s), the date the document was issued, the summary title, and the name(s) of the recipient(s).
- b. Specify the portion of the response or document for which you assert a claim of confidentiality by reference to page numbers, paragraphs, and lines, or specify entire document.
- c. Briefly identify the basis of your claim.

If any portion of your response contains information which you claim as CBI, you must submit two copies of any such documents in accordance with the following procedures:

- a. The first copy of any documents containing information you believe to be CBI must be complete and contain all information. These complete copies must be placed in an envelope that is clearly marked as "Confidential Business Information."
- b. The second copy of any documents claimed as CBI must be redacted to include only that information that you are NOT claiming as CBI. These redacted copies must be placed in a second envelope that is clearly marked as "Non-Confidential."
- c. Both envelopes should be placed in a single package and mailed to:

Tony Ellis
Case Development Officer
U.S. Environmental Protection Agency
Office of Civil Enforcement (Room 5041A, Mail Code 2249A)
Waste and Chemical Enforcement Division
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

IV. INFORMATION AND DOCUMENTS REQUESTED:

1. Indicate which Chemical Abstracts Service Registry Number (CASRN) Calumet associates with the following petroleum waxes and describe why Calumet believes that CASRN applies:
 - a. CALUMET SC-5717
 - b. CALUMET SC-6124
 - c. CALUMET SC-6519
 - d. CALUMET SC-6820
 - e. CALUMET SC-7319
2. Specifically describe how Calumet produces (and separates, if applicable) each of the petroleum waxes identified in question 1. Additionally, for each petroleum wax identified in question 1, provide a process flow diagram showing the production process from the starting material through the final commercial product.
3. For each of the petroleum waxes identified in question 1, provide the intended melting point.
4. For each of the petroleum waxes identified in question 1, provide the intended boiling point range.
5. For each of the petroleum waxes identified in question 1, provide the carbon numbers (or carbon number range) intended to be present, along with the weight percentage of each carbon number component (e.g., C₂₈ 65%). Submit supporting documentation that contains test results which support your findings about the chemical composition of each petroleum wax (e.g., gas chromatography and/or mass spectrometry results).
6. For each of the petroleum waxes identified in question 1, provide a drawing depicting the chemical structure (i.e., a structure diagram that illustrates the chemical identity).
7. For each of the petroleum waxes identified in question 1, answer "yes" or "no" to whether Calumet sold or distributed that petroleum wax in each of the following years:
 - a. 2011
 - b. 2012

INFORMATION REQUEST RESPONSE
Calumet Lubricants & Waxes LLC

The following form of certification must accompany all information submitted by Calumet Lubricants & Waxes LLC in response to the Information Request.

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Information Request) and all documents submitted herewith; that, to the best of my knowledge and belief, the submitted information is true, accurate and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Executed on _____, 2013

Signature
